

notice can be found in Applicants' files, nor is the undersigned or anyone currently employed in ISIS' patent department aware of ever having seen it.

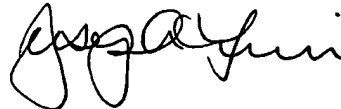
Upon receiving the Order to Show Cause, Applicants promptly prepared and filed a petition to address the past-due maintenance fees identified therein. Upon receiving the Second Order to Show Cause, Applicants promptly prepared and filed the instant petition.

Applicants enclose herewith a check in the amount of \$4860 representing:

- the 3.5 year maintenance fee (\$900) and grace period fee (\$130), other than small entity, pursuant to 37 C.F.R. § 1.20(e) and 1.20(h)
- the surcharge (\$700) on the 3.5 year maintenance fee, other than small entity, pursuant to 37 C.F.R. § 1.20(i)
- the 7.5 year maintenance fee (\$2300) and grace period fee (\$130), other than small entity, pursuant to 37 C.F.R. § 1.20(f) and 1.20(h)
- the surcharge (\$700) on the 7.5 year maintenance fee, other than small entity, pursuant to 37 C.F.R. § 1.20(i).¹

In view of the foregoing, Applicants respectfully request that the past-due fees be accepted and that the 697 Patent be reinstated.

Respectfully submitted,



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¹ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

DOCKET NO.: GLIS-0064

Repln. Ref: 06/15/2010 CKHLUK 0012510800
DAH:233050 Name/Number:5672697
FC: 9204 \$960.00 CR

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Buhr, et al.

U.S. Patent No. 5,672,697

September 30, 1997

Application No.: 652,978

Group Art Unit: 1623

Filing Date: February 8, 1991

For: Nucleoside 5'-Methylene Phosphonates

RECEIVED

DEC 11 2006

PATENT DEPT.

EXPRESS MAIL LABEL NO: EV817333239US
DATE OF DEPOSIT: December 4, 2006

EV817333239US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR DELAYED PAYMENT OF
MAINTENANCE FEES PURSUANT TO 37 CFR § 1.378(b)

On September 29, 1999, Applicants filed for reissue of the above-identified patent (hereinafter, "the 697 Patent"). The reissue application was assigned application number 09/408,396.

On May 16, 2006, the PTO mailed an Order to Show Cause in connection with the reissue application (copy attached as Exhibit A) advising Applicants that the PTO's financial records indicate that the 3.5 year maintenance fee for the 697 Patent had not been paid by its September 30, 2001, due date, and that the 7.5 year maintenance fee had not been paid by its September 30, 2005, due date. The Order to Show Cause set a 30-day deadline for response.

On June 6, 2006, Applicants filed a Response To Order To Show Cause And Petition For Delayed Payment Of Maintenance Fees (copy attached as Exhibit B).

06/15/2010 CKHLUK 00000023 5672697
12/07/2006 AWUNDAF1 00000004 5672697
01 FC:1599 -4860.00 OP

06/15/2010 CKHLUK 00000023 5672697

02 FC:1552 900.00 OP
01 FC:1552 2300.00 OP
01 FC:1552 700.00 OP

Copy to Counsel

Gilead 12/20/06



UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>06/11/10</u>		2 Serial/Patent # <u>5,672,697</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
	Petition			\$							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
<input checked="" type="checkbox"/>	Other	IFW	12/04/06	\$ 960.00							
		7 TOTAL AMOUNT OF REFUND		\$ 960.00							
10 REASON:		8 TO BE REFUNDED BY:									
<input checked="" type="checkbox"/>	Overpayment	<input type="checkbox"/> Treasury Check									
<input type="checkbox"/>	Duplicate Payment	<input checked="" type="checkbox"/> Credit Deposit A/C #:									
No Fee Due (Explanation):		9 <table border="1" style="display: inline-table; border-collapse: collapse; text-align: center;"> <tr> <td style="width: 20px;">2</td> <td style="width: 20px;">3</td> <td style="width: 20px;">--</td> <td style="width: 20px;">3</td> <td style="width: 20px;">0</td> <td style="width: 20px;">5</td> <td style="width: 20px;">0</td> </tr> </table>			2	3	--	3	0	5	0
2	3	--	3	0	5	0					
The total fee they owed when filing petition on 12/4/06 was \$3900. They submitted check for \$4,860.											
Therefore, they overpaid by \$960 and the \$960 is refundable. The petition indicates overpayments should											
be credited to the deposit account.											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Charles Steven Brantley</u>		TITLE: <u>Senior Petitions Attorney</u>									
SIGNATURE:		PHONE: <u>571-272-3203</u>									
OFFICE: <u>Office of Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED:		DATE: <u>6/15/10</u>									

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